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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,614	12/28/2000	Tomoaki Mizutani	SOHSH10.001C1	5346

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EXAMINER	
NGUYEN, CHAU M	

ART UNIT	PAPER NUMBER
2633	9

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/750,614	MIZUTANI ET AL.	
	Examiner	Art Unit	
	Chau M Nguyen	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,6-8 and 10-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,6-8 and 10-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to the Paper #8 (Election) filed on 15 July 2004.

Election/Restrictions

2. Applicant's election without traverse of Species 1, which includes claims 1-3, 6-8 and 10-12 in Paper # 8 is acknowledged.

Priority

3. Acknowledgment is made of Applicant's claim for priority based upon:

a. Continuation of Application No. PCT/JP00/02775.

b. Foreign Application Priority JP 11-123138 filed on 28 April, 1999.

Drawings

4. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (Hereinafter "Morgan") (U.S. Pat. No. 4,745,597) in view of Fassih-Nia et al. (Hereinafter "Fassih-Nia") (U.S. Pat. No. 6,307,652).

As claims 1, 6 and 10 Morgan disclose a communication system and method, comprising:

a processor (40, fig. 6), as processing means, for providing on a transmission line, performing a predetermined processing (col. 4, lines 43-66), using a signal transmitted over said transmission line (such 26), monitoring a state of the related processing, and transmitting a monitoring result response signal indicating the result of said monitoring via said transmission line in response to a monitoring result request signal received via said transmission line (col. 5, lines 48-52), and

a loop controller (22, see fig. 7), as monitoring result collecting means, for transmitting said monitoring result request signal to said processing means via said transmission line (col. 5, lines 52-56) and receiving said monitoring result response signal from said processing means (col. 7, lines 18-23),

wherein said loop controller (monitoring result collecting means) changes at least one of a transmission route of said monitoring result request signal to said processing means and a reception route of said monitoring result request signal from said processing means by using the route after the related change (col. 6, lines 1-8, illustrated in figs 8 & 9).

Morgan does not show the limitation of changing transmission route and receiving route where it (controller) does not receive a response signal after an elapse of a predetermined time.

However, Fassih-Nia discloses a system with a switching unit to be switched after lacking of signals for the predetermined period (Fassih-Nia, col. 3, lines 61-65). Since both inventions are related to monitoring and switching method for an optical system, Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to apply the time-out condition as taught by Fassih-Nia into the system of Morgan in order to control the switch for switching or changing route. One would have motivated for doing this to enhance the communication without interruption between elements even in event of a failure in t he fiber optic lines (Fassih-Nia, col. 1, lines 7-12).

As claims 2, 7 and 11, Morgan discloses loop controller (monitoring result collecting means) for transmitting request signal containing message of information indicating the reception route of response signal to processor (processing means); and processor (processing means) for transmitting response signal to loop controller (monitoring result collecting means) via reception route based on the request signal. (Morgan, col. 7, lines 23-32 and col. 1, lines 12-16).

As claims 3, 8 and 12, Morgan (fig. 10) illustrates the transmitting request signal from loop controller (monitoring result collecting means) to processor (processing means) by plurality of different transmission routes (26_1, 26_2, ... 26_n), in turn, without waiting for a decision of reception of response signal (Morgan, col. 10, lines 27-52).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sato et al. (U.S. Pat. No. 6,229,631) is cited to show signal transmission system and method for supervising the same.

Nishio (U.S. Pat. No. 6,075,630) is cited to show electr0-optical combined type network node control system.

Yasui et al. (U.S. Pat. No. 5,319,485) is cited to show wavelength-assignable optical communication system.

Tada et al. (U.S. Pat. No. 5,532,862) is cited to show line switching system.

a. Homsey (U.S. Pat. No. 6,708,004) is cited to show method and apparatus for reducing crosstalk between a monitoring channel and data channel.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau M. Nguyen whose telephone number is 703-305-8965. The examiner can normally be reached on Mon-Fri from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 703-305-4726. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

C.M.N.
Aug. 08, 2004

JASON CHAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600